

**REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1, 3-10, 12-20, 22-24, 26-35, 38, 61 and 84 are pending. Claims 1 and 12-14 are independent. By this paper, claims 1, 4-5, 7-9, 12-15, 17, 23-24, 26-27, 32, 38, 61 and 84 are amended. Claims 3, 16 and 20 are cancelled without prejudice and disclaimer. No new matter will be introduced by this amendment. The entry is respectfully requested.

B. Claims 1, 5, 6, 10, and 12-14 shall not be rejected under 35 U.S.C. 103(a), because none of the references teaches, discloses or suggests a select step/means for "making the servers automatically select data servers... in an area which is different from an area of user's address".

Claims 1, 5, 6, 10, and 12-14 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,189,020 to Beeler, Jr ("Beeler") in view of U.S. Patent Application Publication No. 2002/0103907 to Petersen ("Petersen"). The rejections are respectfully traversed. As explained more fully below, the requirements for such rejections are not met. In particular, neither of the references teaches, discloses or suggests a select step/means for "making the servers automatically select data servers... in an area which is different from an area of user's address" as recited in claims 1 and 12-14.

Applicant's claim 1, as amended, recites:

A data management method using a network system which includes a server, a client terminal and a plurality of data servers, comprising:  
a reception step of making the server receive a user's data storage request and data to be stored from the client terminal;

a select step of making the server automatically select data servers for storing the data from the plurality of data servers, the selected data servers including a data server located in an area which is different from an area of user's address registered by the user of the client terminal and a data server located in an area with a low disaster rate of occurrence; and

a storage step of making the server send the data to the selected data servers, and store the data in the selected data servers.

According to the Office Action, Beeler teaches a data management method using a network system including a server, a client terminal, comprising: the reception step, the select step of making the server automatically select from the plurality of data servers at least one data server (See Beeler, col. 2, lines 48-58 and col. 6, lines 44-51), and the storage step of making the server send data to the selected data server. (Office Action, p. 3). A further reading of the reference shows it's not correct.

Beeler is directed to a data replication techniques for computer operating systems, wherein a file modification request is sent to a primary server, which communicates to a secondary server, associated with which the file modification request is executed and saved in a storage media. According to Beeler, a "[s]tandby by VINCA" is disclosed to "[u]ses the network mirroring capability of NetWare, and provides a mechanism to quickly switch from the source server to the target server in the event of a failure." (Beeler, col. 2, lines 48-51). From the context, Applicant believes the "mechanism to quickly switch from the source server to the target server" disclosed by Beeler only teaches to switch between servers on failure. Applicant's assertion can be evidenced by the following statement in Beeler that "[V]INCA's Standby Server 32 with Autoswitch, adds automatic switching between servers on failure, and allows the operator to take advantage of NetWare's 32-bit environment." (Beeler, col. 2, lines 51-54). In other words, the automatic switch between a primary server and a standby server disclosed in Beeler happens on failure, and the switch disclosed in Beeler does not perform a select step of

"[m]aking the server automatically select data servers for storing the data" as recited in claims 1 and 12-14.

Petersen is directed to a method and apparatus for storing data on a network, wherein a customer requests storage space for backup of data is sent to a central server monitoring the servers, which then checks the availability of storage space and allocates empty space in the various servers, selected according to bandwidth of transmission, availability, etc to store the backup data. Petersen discloses a method that "[i]ncludes receiving data from a user server and examining header information in the data for instructions; replacing the header information with new header information; and sending the data over the network to at least one server identified on the network in the header information." (Petersen, [0013]). According to the Office Action, the examiner confuses the "user's address" recited in the claims 1 and 12-14 and "user server" disclosed in Petersen. A "user" throughout the application refers to a person who sends a data storage request from the client terminal to a data server. In claims 1 and 12-14 which recite "[a]n area which is different from an area of user's address", the term "user's address" refers to the user's actual street address, or home address. However, the term "user server" in Petersen clearly indicates it's a server operated by a user. Therefore, the term "user's address" in Petersen is considered the network address. Accordingly, at best Petersen teaches to save data to a storage server at the user's request, and the storage server for storing the data may be the user's own server if he requests so.

Therefore, neither of the references cited by the examiner teaches, discloses or suggests a select step/means for "making the servers automatically select data servers... in an area which is different from an area of user's address". The rejections to claims 1 and 12-14 are respectfully traversed. Dependent claims 5, 6, and 10 are therefore asserted to be in condition

for allowance for at least the same reasons. Applicant, however, reserves the rights to address those rejections in the future should such a response be deemed necessary and appropriate.

- C. Claims 4 shall not be rejected under 35 U.S.C. 103(a), because none of the references teaches, discloses or suggests a select step for “making the servers acquire disaster information from a disaster information... and search for the area with low disaster rate of occurrence for selecting the server” as recited in claim 4.

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, Petersen and U.S. Patent No. 6,347,384 to Satomi et al. (“Satomi”). According to the Office Action, Beeler and Petersen teach the limitation in claim 1 except the step of making the server acquire disaster information from a disaster information database and search for an area with a low disaster rate of occurrence on the basis of the acquired disaster information. (Office Action, p. 5). However, Satomi teaches the step of making the server acquire disaster information (see Satomi, column 3, line 63 to column 3, line 23), and search for an area with a low disaster rate of occurrence (see Satomi, column 3, lines 24-50). However, it’s not correct.

Satomi is directed to a system and method for providing disaster relief when a disaster occurs in a widespread area where the communication means available is restricted. According to Satomi, “[a]t least two of the server apparatus 2 are spaced geometrically far away from one another” for storing disaster relief information. (Satomi, column 2, lines 36-38). Satomi also teaches to use a portable terminal to relieve a damaged computer center. However, Satomi fails to teach, disclose, or suggest “[s]earching for the area with a low disaster rate of occurrence on the basis of the acquired disaster information for selecting the server” as recited in claim 4.

Accordingly, none of Beeler, Petersen, or Satomi remedies the deficiency of selecting a data server located in an area with a low disaster rate of occurrence for storing data, which is disclosed in claim 4. Therefore, the rejection for claim 4 is respectfully traversed.

Regarding other rejections for various claims, specifically:

Rejection for claim 7 over Beeler in view of Petersen and Satomi with respect to the step of making the server send to the client terminal an address of the data server that stores the data as taught in Satomi;

Rejection for claim 9 over Beeler in view of Petersen and Satomi with respect to the step of pre-storing the user's address in the server as taught in Satomi; and

Rejection for claim 8 over Beeler in view of Petersen and Satomi, further in view of U.S. Patent No. 6,289,382 to Bowman-Amuah ("Bowman-Amuah") with respect to the use of a key to decrypt the encrypted data to prevent unauthorized interception of data as taught in Bowman-Amuah,

Applicant hereby submits that since none of the reference, whether taken alone or in combination, teaches, discloses or suggests the step for "[m]aking the server automatically select data servers for storing the data from the plurality of data servers" and the limitation that the "[d]ata server located in an area which is different from an area of user's address registered by the user of the client terminal and a data server located in an area with a low disaster rate of occurrence" as recited in claim 1 upon which claims 7-9 depend, claims 7-9 are patentable over Beeler in view of Petersen, Satomi and Bowman-Amuah for at least the similar reasons.

For the similar reasons, Applicant has not specifically addressed the rejections of the rest dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the

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dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

**CONCLUSION**

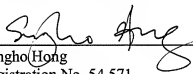
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4812.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: July 13, 2006

By: \_\_\_\_\_

  
Sungho Hong  
Registration No. 54,571

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile